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Docket No. ORT 1436

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Virginia Smith-Swintosky, et al.

Serial No. : 09/863,600

Art Unit: 1653

Filed : May 23, 2001

Examiner: Abdel A. Mohamed

For : Neuroprotective Peptides

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June 1, 2005

(Date of Deposit)

Laura A. Donnelly

(Name of applicant, assignee, or Registered Representative)

/Laura A. Donnelly/

(Signature)

June 1, 2005

(Date of Signature)

MAIL STOP GROUP ART UNIT 1653  
Commissioner for Patents  
P.O. Box 1450  
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure  
Statement mailed on January 6, 2005.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37  
C.F.R. §§1.97-1.98, information relating to the above-  
identified application is hereby disclosed. Inclusion of  
information in this statement is not to be construed as an  
admission that this information is material as that term is  
defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the  
patentability of the claimed invention over any of the  
information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2).

☐ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed December 10, 2001.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ORT1436/LAD. This form is submitted in triplicate.

Respectfully submitted,

/Laura A. Donnelly/  
Laura A. Donnelly  
Reg. No. 38,435  
Attorney for Applicants

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DATED: June 1, 2005



Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO

(use as many sheets as necessary)

Sheet 1 of 1

<b><i>Application Number</i></b>	<b>09/863,600</b>
<b><i>Filing Date</i></b>	<b>May 23, 2001</b>
<b><i>First Named Inventor</i></b>	<b>Virginia Smith-Swintosky</b>
<b><i>Group Art Unit</i></b>	<b>1653</b>
<b><i>Examiner Name</i></b>	<b>A.A. Mohamed</b>
<b><i>Attorney Docket Number</i></b>	<b>ORT 1436</b>

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450





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Serial No. : 09/863,600 Art Unit: 1653  
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For : Neuroprotective Peptides

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Laura A. Donnelly

(Name of applicant, assignee, or Registered Representative)

/Laura A. Donnelly/

(Signature)

June 1, 2005

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. §1.97(e)

In accordance with 37 C.F.R. §1.97(e), certification is hereby  
made that:

☒ Each item of information contained in the information  
disclosure statement was first cited in any communication from a  
foreign patent office in a counterpart foreign application not more  
than three months prior to the filing of the Information Disclosure  
Statement; or

☐ No item of information contained in the Information  
Disclosure Statement was cited in a communication from a foreign  
patent office in a counterpart foreign application, and, to the

knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

/Laura A. Donnelly/

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DATED: June 1, 2005





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Serial No. 09/863,600 Docket No. ORT-1436 By: LAD  
Application of: Smith-Swintosky et al. Mailed: June 1, 2005  
Entitled: Neuroprotective Peptides

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

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| <input type="checkbox"/> Assignment  | <input checked="" type="checkbox"/> MPEP 609/ <u>D</u>           |
| <input type="checkbox"/> Response  | <input type="checkbox"/> Notice of Appeal                        |
| <input type="checkbox"/> Fee Transmittal                                   | <input type="checkbox"/> Brief                                   |
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| <input type="checkbox"/> Extension of Time                                 | <input type="checkbox"/> Sequence Listings/Diskette              |
| <input type="checkbox"/> Issue Fee Transmittal                             | <input type="checkbox"/> Biological Deposit Declaration          |
| <input type="checkbox"/> PCT Filing _____                                  | <input checked="" type="checkbox"/> Other <u>Statement under</u> |
| <input checked="" type="checkbox"/> IDS-Form 1449<br><u>(supplemental)</u> | <u>37 CFR 1.97(e)</u>  |